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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,309	02/22/2007	Barry Geer	050588/312849	5197

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EXAMINER	
YACOB, SISAY	

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,309	GEER, BARRY	
	Examiner	Art Unit	
	SISAY YACOB	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) *5* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to applicant's amendment to a non-final office action, which was filed September 23, 2008.

2. Amendments and arguments to pending rejected claims **1-4 and 6-16** have been entered and made of record in the application of Geer for "Traffic Light with Modular Pole" filed on February 22, 2007.

Claims 1-3, 6, 9-12 and 14 are amended.

Claim 4, 7 and 8 are same as originally filed.

Claims 13 and 15-16 are previously presented.

Claim 5 is canceled.

Claims 1-4 and 6-16 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-4, 6, 7-8, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent to Armstrong (5,986,576) in view of U.S. Patent to Bybee (6,696,947 B1).

As to claim 1, Armstrong discloses a light assembly (Item 10) comprising a pole having a plurality of inter-engagable sections (Items 24 and 34) located end-to-end to form the pole (See figures 1 and 2), the sections being cylindrical (Items 24 and 34) and a light attached at an operatively upper end of the pole (Items 12, 14 and 16).

Armstrong does not expressly disclose each section having a complementary neck and collar formation on one end and a complementary shaped first inner blind bore on an opposite end for receiving the neck of an adjacent section.

Bybee discloses a metal detector assembly (Item 84 of figurer 20) comprising poles having a plurality of inter-engagable sections (Items 86 and 88, 92 and 94) located end-to-end to form the pole (See figures 20 and 21), the sections having a complementary neck (Item 98) and collar (See figures 20 and

21) formation on one end and a complementary shaped first inner blind bore (Item 98) on an opposite end for receiving the neck of an adjacent section (Col. 5, lines 24-47; Figures 20 and 21).

One of ordinary skill in the art at the time the invention was made would have been motivated to modify the cylindrical poles of Armstrong, by incorporating the pole sections having a complementary neck and collar formation on one end and a complementary shaped first inner blind bore on an opposite end for receiving the neck of an adjacent section, as disclosed by Bybee, because it is conventional to assemble multi sectional poles and similar items by having neck and collar formation on one end and a inner blind bore on an opposite end for receiving the neck.

As to claim 2, Armstrong discloses the pole includes a light connector at an upper end thereof (Item 64), the light connector comprising a housing wherein a default light (Item 62 of figure 8) is housed and wherein the pole sections are secured (Col. 6, lines 14-40).

As to claims 3 and 4, Armstrong discloses a footpiece engaged underneath an operatively lowest section of the pole, and has an operatively lower outwardly extending skirt providing a wider base section for supporting the pole (Item 30).

As to claim 6, the combination of Armstrong and Bybee disclose the interconnectable sections have a first bore in a main body of the section (Col. 7, lines 12-17, 51-56 of Armstrong) and a second bore in the neck formation so that

the assembled pole includes a passage therethrough (Figures 20 and 21 of Bybee).

As to claims 7 and 8, Bybee discloses a securing line is located through the passage and secured at least one end and one or both ends to secure the sections of the pole together, and the securing line is a rod and a securing line to be tightened in an axial direction (Items 104, 106 and 108) of figures 20 and 21).

The combination of Armstrong and Bybee does not expressly disclose the rod having screw threaded ends for receiving nuts for securing the sections together.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Bybee, by having a the securing line that is a rod having screw threaded ends for receiving nuts for securing the sections together, because a rod having screw threaded ends for receiving nuts is conventional and one skilled in the art would readily understand the securing rod of Bybee maybe replaced by any equivalent conventional attaching means including a rod having screw threaded ends for receiving nuts.

As to claim 12, Armstrong discloses an adaptor (Item 11) connectable to the light connector (Item 64), the adaptor having a number of sockets (Items 12, 14 and 16)for receiving lights in the sockets (Col. 5, line 61 – Col. 6, line 13).

As to claim 13, Armstrong discloses the light connected to the pole includes a bank of light emitting diodes (Col. 2, lines 60-64).

As to claim 14, Armstrong discloses the bank of light emitting diodes is controlled to emit one of a plurality of different colors of light at a time (Col. 3, lines 5-16, 28-38).

As to claim 16, Armstrong discloses the light assembly is a traffic light assembly (Col. 2, lines 60-64).

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Bybee and further in view of the U.S. Patent to Niemeyer (5,340,069).

As to claim 9, the combination of Armstrong and Bybee does not expressly disclose the light connector includes lip formations, one lip formation extending upwardly from a base thereof and the other downwardly form an operatively upper end of a cylindrical section to form downwardly and upwardly facing channel sections for receiving lugs at the rear of a traffic light therein.

Niemeyer discloses a light assembly that incorporate a light connector includes lip formations, one lip formation extending upwardly from a base thereof (lower item 20 of figure 1) and the other downwardly (Upper Item 20 of figure 1) form an operatively upper end of a cylindrical section (Item 22 of figure 1) to form downwardly and upwardly facing channel sections for receiving lugs at the rear of a traffic light therein (Col. 6, line 66 – Col. 7, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Bybee, by

incorporating a light connector, as disclosed by Niemeyer, because having lips in the extensions increase the holding force of the assembly.

As to claim 10, Niemeyer discloses an adaptor (Item 100) connectable to the light connector (Item 20 via items 24 and 26) , the adaptor having a number of sockets (3 sockets) for receiving lights in the sockets, and wherein the adaptor is securable at any position about the cylindrical section (See figures 1-7).

As to claim 11, Armstrong discloses the base and cylindrical section are axially movable relative to each other to move the formations away from each other to facilitate adjustment of the height of the light assembly.

The combination of Armstrong, Bybee and Niemeyer does not expressly disclose the base and cylindrical section are axially movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

But, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Bybee and Niemeyer, by having the base and cylindrical section are axially movable relative to each other, in order to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations, because the Niemeyer lip formation of Niemeyer's light assembly is removable and one skilled in the art would readily understand the different pole sections may be joined by various ways and means including the sections being fasten in axial direction at one or both ends as it is conventional method of joining adjacent section of poles and pipes in various arts, wherein, any part including the base and cylindrical section

may be axially movable relative movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Bybee and further in view of the U.S. Publication of Clauberg (200601521775 A1).

As to claim 15, the combination of Armstrong and Bybee does not expressly disclose groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on.

Clauberg discloses a light assembly, wherein groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on (Page 1, Par. 0003-0004).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Bybee, by incorporating the slight assembly illumination, as disclosed by Clauberg, because it is conventional to use selected illumination light in the traffic light art and Clauberg discloses the claimed limitations.

Response to Arguments

8. Applicant's arguments, see (Pages 5-10), filed (September 23, 2008), with respect to the rejection(s) of claim(s) 1-4 and 6-16 (claims 1-4, 6, 12-14 and 16 under 35 U.S.C. 102(b) and claims 5, 7-11 and 15 under 35 U.S.C. 103(a)) have been fully considered and are deemed persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of previously cited art of Armstrong in view of newly found prior arts of Bybee, Niemeyer and Clauberg disclosed the claimed limitation as presented in the instant application as set forth above in there respective paragraphs.

Conclusion/Correspondence

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SISAY YACOB whose telephone number is (571)272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sisay Yacob
01/03/2009

/S. Y./

Examiner, Art Unit 2612

/Benjamin C. Lee/

Supervisory Patent Examiner, Art Unit 2612